

**IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF OKLAHOMA**

ARMANDO GARCIA DE LA CRUZ,      )  
  )  
  )  
Plaintiff,                         )  
                                       )  
                                       )  
-vs-                                 ) Case No. CIV-16-0181-F  
                                       )  
JOHN DOE WARDEN, FTC, et al.,    )  
                                       )  
                                       )  
Defendants.                         )

**ORDER**

Plaintiff Armando Garcia De La Cruz, a state prisoner appearing *pro se*, brings this action pursuant to 42 U.S.C. § 1983 alleging various violations of his constitutional rights.

The procedural background of this action is set out in Magistrate Judge Shon T. Erwin's Report and Recommendation of December 28, 2017. Doc. no. 113. As made clear in the "Background" portion of the Report, the only remaining claims before this court are those alleged against various "Doe" defendants. The "Analysis" portion of the Report explains that despite the magistrate judge's order that plaintiff show cause by September 21, 2017 as to why claims against the "Doe" defendants should not be dismissed, plaintiff has failed to do so and has not responded to that order in any respect. After explaining why no mandatory or permissive extension of time for service is warranted, the Report recommends that plaintiff's cause of action against all "Doe" defendants be dismissed without prejudice for failure to effect timely service of process pursuant to Rule 4(m), Fed. R. Civ. P.

The Report advises the parties that any objection to the Report must be filed by January 16, 2018, and that failure to make timely objection waives the right to

appellate review of the factual and legal issues addressed in the Report. No objection to the Report has been filed and no request has been made for an extension of time within which to object or otherwise respond to the Report.

Having reviewed the Report, and with there being no objection to the Report, the court concurs in the recommended rulings as stated in the Report. The Report (doc. no. 113) is **ACCEPTED, ADOPTED** and **AFFIRMED**. As recommended in the Report, plaintiff's cause of action against all "Doe" defendants is dismissed without prejudice, for failure to effect timely service of process. *See*, Rule 4(m), Fed. R. Civ. P.

IT IS SO ORDERED this 31<sup>st</sup> day of January, 2018.



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STEPHEN P. FRIOT  
UNITED STATES DISTRICT JUDGE

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